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7 DON C. BENNETT, et al.,  
8 Plaintiffs,  
9 v.  
10 SIMPLEXGRINNELL LP,  
11 Defendant.

Case No. [11-cv-01854-JST](#)

**ORDER DENYING MOTION TO  
BIFURCATE; GRANTING  
STIPULATION TO EXTEND CASE  
DEADLINES**

Re: ECF Nos. 112, 119

12 In this putative class action for violations of California's labor laws, Plaintiffs move under  
13 Federal Rule of Civil Procedure 42 for an order bifurcating the case such that all discovery and  
14 litigation with respect to liability would be completed before discovery and litigation as to  
15 damages can resume. Plaintiffs additionally request that the Court rule on a motion for partial  
16 summary judgment on the question of whether the California Labor Code requires payment of  
17 prevailing wages for code-driven testing and inspection work before Plaintiffs file a motion for  
18 class certification. ECF Nos. 112, 118. Defendant opposes both requests. ECF No. 117. The  
19 Court stated during the case management conference held on May 8, 2013, that it would determine  
20 this motion without oral argument. ECF No. 108. Accordingly, the hearing scheduled for July 11,  
21 2013, is VACATED. See Civil L.R. 7-1(b).

22 Federal Rule of Civil Procedure 42(b) provides that “[f]or convenience, to avoid prejudice,  
23 or to expedite and economize, the court may order a separate trial of one or more separate issues,  
24 claims, crossclaims, counterclaims, or third-party claims.” A district court has “broad discretion”  
25 to bifurcate a case under Rule 42(b). Davis & Cox v. Summa Corp., 751 F.2d 1507, 1517 (9th  
26 Cir.1985). A district court may consider the following factors in assessing whether bifurcation is  
27 appropriate: (1) the complexity of the issues; (2) whether there would be a risk of jury  
misunderstanding in a non-bifurcated trial; (3) whether bifurcation would facilitate disposition of

United States District Court  
Northern District of California

1 the issues; and (4) whether bifurcation would prejudice the parties. Arnold v. United Artists  
2 Theatre Circuit, Inc., 158 F.R.D. 439, 459 (N.D. Cal. 1994).

3 Upon review of the parties' submissions, the Court is not convinced that the proposed  
4 bifurcation would promote judicial economy or advance the resolution of this action.

5 Accordingly, the Court rules as follows:

- 6 (1) Plaintiffs' request to bifurcate discovery and trial into a liability phase and a  
7 damages phase is DENIED. All discovery, including that pertaining to damages,  
8 shall be completed in accordance with the deadlines set below. Plaintiffs may  
9 move for bifurcation of the liability and damages portions of the case for trial in  
10 their motion for class certification.
- 11 (2) Plaintiffs' request for a ruling on a partial summary judgment motion on the  
12 question of whether the California Labor Code requires payment of prevailing  
13 wages for code-driven testing and inspection work before they file a motion for  
14 class certification is GRANTED. Plaintiffs may file this motion no later than  
15 August 28, 2013.
- 16 (3) The parties' stipulated request for an extension of the deadlines in this case by 60  
17 days is GRANTED. The new case deadlines are below. No further extensions will  
18 be granted given that this case has been pending for more than two years and the  
19 Court already has extended the deadlines multiple times. All disputes pertaining to  
20 the timing and adequacy of responses to discovery requests must be addressed well  
21 before the new discovery deadline.

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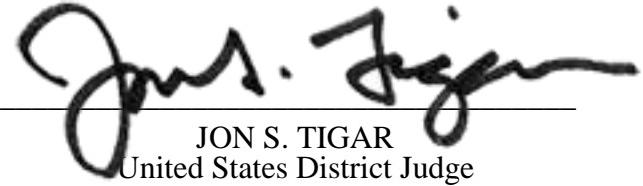
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Event	Deadline
Fact discovery	August 28, 2013
Expert disclosures	August 28, 2013
Motion to amend the pleadings <sup>1</sup>	n/a
Motion for partial summary judgment	August 28, 2013
Plaintiffs' expert reports	September 30, 2013
Defendant's expert reports	October 21, 2013
Mediation	October 29, 2013
Expert discovery	November 19, 2013
Class certification motion	December 17, 2013

IT IS SO ORDERED.

Dated: June 27, 2013



JON S. TIGAR  
United States District Judge

<sup>1</sup> The parties have not offered any reason why the deadline to amend the pleadings should be continued, much less demonstrated good cause for a continuance.